

Message

From: Madigan, Andrea [Madigan.Andrea@epa.gov]
Sent: 7/16/2012 7:34:29 PM
To: Sisk, Richard [Sisk.Richard@epa.gov]
Subject: VB-I70

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----- Forwarded by Andrea Madigan/R8/USEPA/US on 07/16/2012 01:34 PM -----

From: Andrea Madigan/R8/USEPA/US
To: Bill Murray/R8/USEPA/US@EPA
Date: 07/11/2012 04:56 PM
Subject: Re: Fw: topics for the EPA meeting on Thursday

Bill - we often give covenants not to sue with the reopeners for new information after a ROD has been issued and the PRP is agreeing to implement the ROD under a consent decree . The facts here are very different. It looks like we have not yet completed the RI/FS process. The entire point of the RI/FS is to identify the nature and extent of contamination. If the RI overlooked this there is no impediment to taking a look now.

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From: Bill Murray/R8/USEPA/US
To: "Andrea Madigan" <Madigan.Andrea@epamail.epa.gov>
Date: 07/11/2012 03:09 PM
Subject: Fw: topics for the EPA meeting on Thursday

With Richard out can you respond to the legal issues brought up by the city below? I meet w them tomorrow morning.

From: "Nightengale, Alice - Environmental Health" [Alice.Nightengale@denvergov.org]
Sent: 07/11/2012 02:15 PM CST
To: Bill Murray
Subject: topics for the EPA meeting on Thursday

Hi Bill, Paula sent over the language for the environmental notice and I'm hoping Jackie will look at it before our meeting

on Thursday.

Our main issue with VBI70 is that fact that we are revisiting a site where we have a signed AOC and an approved RI and an approved FS, none of which identify groundwater as a concern. My understanding of Superfund Law is that a site can be reopened on the basis of new information. There was no new information on VBI70 that would lead to questions regarding the conclusions in the approved documents. So, why is the EPA ignoring the fact that we have complied with all of the terms of the AOC in collaboration with the CDPHE and the EPA without any new information to inform that decision?

I'd like to talk about two things on Lowry:

1. Getting the recommended protective Five-Year Review approved
2. EPA taking a stronger position on the State and CLLEAN and having them focus on the important aspects of the site rather than have the PRPs spend resources on hypotheses.

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